

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,499

Filed: December 11, 2001

For: **SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Hayes, Robert Clinton
) Group Art Unit: 1647
) Confirmation No: 6886
) Attorney's Docket No. 39780-2830 P1C42
) Customer No. 35489

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DATE MAILED: JANUARY 18, 2005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each publication other than U.S. patents and U.S. patent application publications, and each cited pending unpublished U.S. application pursuant to 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. As form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- (2) It is being filed within 3 months of entry of a national stage
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

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- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- a certification as specified in §1.97(e) is provided below; **or**
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; **and**
 - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
 - C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-2830 P1C42).

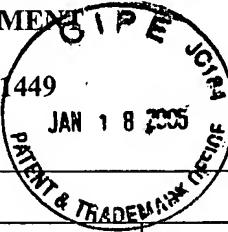
Respectfully submitted,

By: 
Sam L. Nguyen (Reg. No. 52,496)

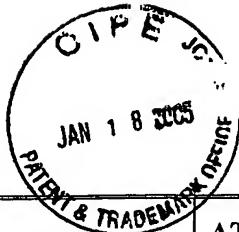
Dated: January 18, 2005

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U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
						<input type="checkbox"/> <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
Dayhoff, Accession No.: P_AAY99455, WO 200012708-A2, Pub Date: March 9, 2000, K. Baker, et al.						
Dayhoff, Accession No.: P_AAB24026, WO 200053750-A1, Pub Date: September 14, 2000, D. Botstein, et al.						
Dayhoff, Accession No.: AAB88413, EP 1067182-A2, Submitted: January 10, 2001, T. Ota, et al.						
Dayhoff, Accession No.: P_AAU00472, WO 200118016-A1, Pub Date: March 15, 2001, C C. Fraser, et al.						
Dayhoff, Accession No.: P_AAE03427, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
Dayhoff, Accession No.: CAC39777.1, EP 1067182-A1, Pub Date: January 10, 2001, T. Ota, et al.						
Dayhoff, Accession No.: AAC09483.1, Direct Submission, Submitted: October 1, 1999, T. Ota, et al.						
Dayhoff, Accession No.: NP_056331.1, Cancer Research 60 (21), pp 5977-5983, 2000, A. H. Charpentier, et al.						
Dayhoff, Accession No.: P_AAE03459, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
Dayhoff, Accession No.: P_AAB40712, WO 200058473-A2, Pub Date: October 5, 2000, R. A. Shimkets, et al.						
GenBank, Accession No.: P_AAA37137, WO 200012708-A2, Pub Date: March 9, 2000, K. Baker, et al.						
GenBank, Accession No.: P_AAC58108, WO 200053750-A1, Pub Date: September 14, 2000, D. Botstein, et al.						
GenBank, Accession No.: P_AAS01370, WO 200118016-A1, Pub Date: March 15, 2001, C. C. Fraser, et al.						
GenBank, Accession No.: P_AAD07809, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
GenBank, Accession No.: P_AAF93840, EP 1067182-A2, Pub Date: January 10, 2001, T. Ota, et al.						
GenBank, Accession No.: AX136271, EP 1067182-A1, Pub Date: January 10, 2001, T. Ota, et al.						
GenBank, Accession No.: P_AAD07841, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
EXAMINER						

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
						<input type="checkbox"/> <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	GenBank, Accession No.: AC024602, Direct Submission, Submitted: March 1, 2000, D. R. Smith, et al.					
	GenBank, Accession No.: AP003119, Direct Submission, Submitted: January 24, 2001, M. Hattori, et al.					
	GenBank, Accession No.: AP003101, Direct Submission, Submitted: January 16, 2001, M. Hattori, et al.					
	GenBank, Accession No.: P_AAC74921, WO 200058473-A2, Pub Date: October 5, 2000, R. A. Shimkets, et al.					
	GenBank, Accession No.: AF191 019, Direct Submission, Submitted: October 1, 1999, A. H. Charpentier, et al.					
	GenBank, Accession No.: HSM800846, Direct Submission, Submitted: August 15, 1999, K. Koehler, et al.					
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Orntoft et al., "Genome-Wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive Human Transitional Cell Carcinomas", Research, Molecular & Cellular Proteomics 1.1, The American Society for Biochemistry and Molecular Biology, Inc., pp 37-45.						
Hanna et al., "HER-2/neu Breast Cancer Predictive Testing", Technical Update, August 1999, 2 pages.						
Hyman et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer ^{1,2} ", Cancer Research 62, 6240-6245, November 1, 2002.						
Pollack et al., "Microarray Analysis Reveals a Major Direct Role of DNA Copy Number Alteration in the Transcriptional Program of Human Breast Tumors", Department of Pathology, PNAS, October 1, 2002, Vol. 99, No. 20, 12963-12968.						
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